



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,467	10/15/2003	Takaya Nonomura	042227	4698

7590

11/17/2006

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
SUITE 700
1250 CONNECTICUT AVENUE, N.W.
WASHINGTON, DC 20036

EXAMINER

KOSTAK, VICTOR R

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,467

Applicant(s)

NONOMURA, TAKAYA

Examiner

Victor R. Kostak

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2622

1. Applicant's arguments with respect to the rejection based on Yuen have been considered, and a different reading of Yuen in light of the arguments is now applied to the claims, presented below.

The examiner regrets prolonging prosecution.

2. following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al. ('089) in view of Naimpally (both of record).

Reviewing the operation of the television receiver of Yuen, it includes causing groups of channels to be allocated to respective keys (even-numbered theme keys 34-44 in Figs. 1 and 2); storing information related to channel selection of the any of the groups (i.e. which channels are to be designated to the respective groups: Fig. 4) by microcomputer 100 that includes plural memories (noting Fig. 2); channels are selected out of the group of channels in response to first selecting the allocation key (col. 6 line 39+).

Although Yuen does not specify digital broadcasting, it would have been obvious to one of ordinary skill in the art to incorporate this thematic channel grouping procedure in a digital television receiver since digital broadcasting (which was well known at the time of filing) is the more advanced of the two (analog and digital) broadcast modes and which is preferred by virtue of its many advantages, as acknowledged by Naimpally (col. 1 lines 23-25).

To counter the rejection presented in the last Office action, applicant refers to the limitation of displaying the channel group as a list on a screen upon prompting of an allocation key, whereas Yuen cycles through selected programs one at a time corresponding to channels of the selected them, one at a time.

The examiner explains that though not exactly disclosed as doing such, Yuen (1) uses a display screen 14 to display “*channel selections and other information*” (col. 4 lines 56-58); and on screen programming can be used to assist in the procedure of assigning selected channels to the respective theme keys (col. 5 lines 15-21). The text in col. 5 specifies “*Many methods can be used to enter channels for a particular theme key into the theme memory. For example, on screen programming can be used to assist in the procedure*”. Furthermore, the text following points out that a program guide displayed on the television can also be used. Yet further, the theme memory which lists the channels per theme is in displayable form (noting Fig. 3).

In view of all of these descriptions, it would therefore have been obvious to one of ordinary skill in the art to have the theme memory channels available for display as a group (at least) on display 14, for review of the designations any time the theme key is pressed if the user feels that one or more channels should belong or alternatively should be removed. More generally, it would have been obvious to provide the viewer with as many display options in general, particularly when the display data can be modified, thereby meeting claim 1.

As for claim 2, in accordance with the explicit suggestions by Yuen explained above pertaining to claim 1, it would have been obvious to display both the tuned channel and the channel list by the initial operation of the allocated key (col. 7 lines 37-52 and line 66 – col. 8 line 22).

As for claim 3, it would have been obvious to only display only the tuned channel and subsequently the list for the clear benefit of providing the initially elected channel when scanning for other channels is not considered desired by the user at that time. Only when changing channels would it be beneficial to scan the channel list, which would be done by operating the appropriate remote controller keys.

Regarding claim 4, it would have been obvious to use the theme memory display shown in Fig. 3, which includes a pointer to select the channels from the list. (It is further noted that Yuen allows for multiple variations of channel selection).

As for claim 5, the channel number is shown on the list from which the user can select by selecting the channel number (col. 7 line 66 – col. 8 line 21).

As for claim 9, as explained above, the operation of the television receiver of Yuen includes causing groups of channels to be allocated to respective keys (even-numbered theme keys 34-44 in Figs. 1 and 2); storing information related to channel selection of the any of the groups (i.e. which channels are to be designated to the respective groups: Fig. 4) by microcomputer 100 that includes plural memories (noting Fig. 2); channels are selected out of the group of channels in response to first selecting the allocation key (col. 6 line 39+); and the other channels in the same group are sequentially selected upon accessing the theme key (col. 7 lines 17-26).

As was also explained above, it would have been obvious to one of ordinary skill in the art to incorporate this thematic channel grouping procedure in a digital television receiver since digital broadcasting (which was well known at the time of filing) is the more advanced of the two (analog and digital) broadcast modes and which is preferred by virtue of its many

Art Unit: 2622

advantages, as acknowledged by Naimpally (col. 1 lines 23-25). The reasons for displaying the list of channels per prompting of the theme key are given above regarding claim 1.

As for claims 6 and 10, Yuen allows the user to generate his own channel themes to expand the number of effective theme keys (col. 5 line 60 – col. 6 line 4 and lines 27-31). In view of this express allowance, it would have been obvious to one of ordinary skill in the art to designate any key according to any theme, such as broadcasting enterpriser, network, etc.

Regarding claims 7 and 11, Yuen points out that there are plural options available in causing grouped channels to correspond to allocated keys (col. 5 lines 15-32). As explained above, it would have been obvious to one of ordinary skill in the art to use the channel grouping function in a digital receiver since it was acknowledged at the time of filing that digital receivers are an improvement over analog receivers. Therefore, it would have been obvious to use the digital A/V stream ID data as the data used to allocate the channels with the theme (group) keys.

As for claims 8 and 12, the allocation key can have number designations assigned by the user (col. 6 lines 28-32).

As for claim 13, the finally selected channel per group is stored in the receiver memory (as the user completes the groupings), and Yuen permits surfing upon accessing the group key (col. 6 line 67 – col. 7 line 6), which is not an arbitrary tuning order but directional. Yuen also points out that the last channel tuned into is the first one that is displayed the next time viewing is desired. In view of this and in view of the fact that the least amount of time and processing required by the system to tune into a channel would be when the last accessed frequency is already identified by the receiver (which would be a default frequency), it would have been obvious to use the last accessed frequency as the first one to tune into. As a result, there would

Art Unit: 2622

be no need to first search for a frequency since the last tuned or identified a frequency is already recognized by the receiver.

Regarding claim 14, Yuen displays the list of channels in a selected group, and the user can distinguish between the first (displayed) channel and other channels available (noting again col. 7 lines 37-52).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (571) 272-7348. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any response to this action should be mailed to:

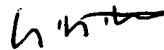
Art Unit: 2622

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(571) 273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (703) 308-HELP.



Victor R. Kostak
Primary Examiner
Art Unit 2622

VRK